

REMARKS

Claims 1 and 4-21 are pending in the present application. Claims 2 and 3 are herein canceled. Claims 1, 4-9 and 16 are herein amended. No new matter has been presented. Applicants have incorporated the subject matter of claims 2 and 3 into independent claim 1. In light of the aforementioned amendments and following remarks, Applicants earnestly solicit favorable consideration.

On the Merits

Claims 1 and 4-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by *Mathiassen et al.* (US Patent Application 2004/0123113), hereinafter referred to as *Mathiassen*.

Independent Claims 1, 8 and 16:

Applicants respectfully submit that the features of claims 1, 8 and 16 are not disclosed or fairly suggested in the cited reference. Specifically, the respective claims recite a “program storing means” and a “user data storing means.”¹ The office action states that this is disclosed in fig. 1b of *Mathiassen*. Applicants respectfully disagree.

FIG. 1B merely shows a biometrics processor (F1) integrated with a sensor (B). (See paragraph [0047].) For an example of a user data storing means, please see “first memory” 6, in FIG. 2 of the present application. For an example of an identification data storing means, please see “second memory” 7, in FIG. 2 of the present application.

¹ Claims 8 and 16 recite program/data storage areas and program/data storage sections.

If the Examiner maintains that the respective features are disclosed, Applicants ask the Examiner to specifically point out where in the reference the Examiner believes it is disclosed.

Furthermore, the claims also recites a “switch control means,” shown for example by reference character 10 in FIG. 2 of the present application. The Examiner contends this feature is disclosed in paragraph [0058]. However, paragraph [0058] does not mention any switch control means. Applicants ask the Examiner to specifically point out where any alleged switch is disclosed.

Additionally, the switch control means must switch between the data storing means and the program storing means. The Examiner earlier contended the respective storing means were disclosed in FIG. 1B. Even if a switch control means was disclosed in paragraph [0058], it would not switch between the program storing means and the data storing means as recited in the claim. As such, the present rejection is improper.

If the Examiner believes the switch control means does switch between the respective storage means, Applicants respectfully ask the Examiner to specifically point out in the reference where this occurs.

Application No.: 10/568,431
Art Unit: 2131

Amendment under 37 C.F.R. §1.111
Attorney Docket No.: 062094

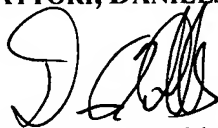
In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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